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DATE: September 8, 2003

TO: Examiner Charanjit Aulakh

FAX NO.: 703 308-4556

FROM: Helen Murray Tarbi

TELEPHONE NO. 617 517-5514

APPLICATION NO. 09/975,536

Filing Date: October 11, 2001

Our Reference No.: 48913 C (70207)

No. of pages

MESSAGE:

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Further to our telephone conversation today, September 8, 2003, attached is a copy of the response previously mailed July 22, 2003.

Should there be any problem with this transmission, please contact Helen Murray Tarbi at (617) 517-5514.

NOTICE

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BOS2_347220.1

EWN/CZL 48913 CON (10207)
(15)

Mailing Date: 07.22.03
Client: 70207
Inventors: Meltzer, et al.
Serial No.: 09/975,586
Filing Date: 10.11.02

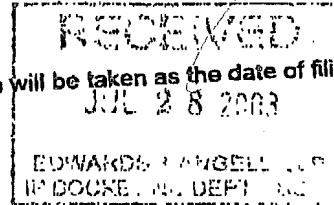
Attorney/Sec:
Docket No.:

QIN/dar
48913-C

Patent No.:
Grant Date:

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of:

Amendment Transmittal Letter;
Request for Reconsideration;
Declaration Under 37 C.F.R. 1.132;
Appendix A;
Petition for 3-month Extension of Time;
Check in the amount of \$465.00



Due Date: 07.22.03

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Entered into CPI by: NU

Docket No. 70207/48,913-C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


APPLICANT: Peter C. Meltzer, et al.
SERIAL NO. 09/975,586 EXAMINER: C. Aulakh
FILED: October 11, 2002 GROUP: 1625
FOR: BOAT TROPANES

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Sir:

Certificate of Mailing

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Arlington, VA 22313-1450 on July 22, 2003.


Denise A. Rose

REQUEST FOR RECONSIDERATION

In the office action dated January 22, 2003, claims 22-27 are pending and stand rejected. Applicants respectfully request reconsideration for at least the following discussion.

Claims 22-27 are rejected under 35 U.S.C. 103(a) over Clarke et al. (U.S. Patent No. 3,813,404). However, Clarke teaches only 3-beta isomers of tropane-2-carboxylates. It is respectfully submitted that the presently claimed 3-alpha tropanes would not have been obvious to one of ordinary skill in the art in view of Clarke.

Clarke *fails* to teach or suggest the presently claimed 3-alpha tropanes because the presently claimed 3-alpha compounds cannot be prepared by using the Grignard

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reactions used by Clarke. One of ordinary skill in the art would not have known how to make 3-alpha tropanes.

The present inventors have considerable expertise in connection with the preparation and use of synthetic tropanes. Yet, it was not obvious to them that they should try to prepare the 3-alpha boat tropanes. The 3-alpha cocaine analogs are less potent than the 3-beta analogs. Thus, it is counterintuitive to focus on the 3-alpha tropanes. Only after they had prepared the boat tropanes through a new synthesis route did they unexpectedly discover that the 3-alpha tropanes were more DAT selective than the corresponding chair (3-beta) compounds. They were quite surprised at the potency and selectivity of the 3-alpha tropanes.

Thus, it is not seen how the present invention would have been obvious to one of ordinary skill in the art from the teachings of Clarke.

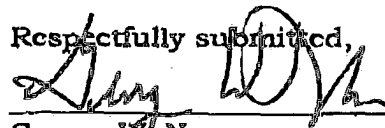
The Declaration of Dr. Peter C. Meltzer is submitted in support of the arguments made herein.

In view of the Declaration of Dr. Meltzer and the arguments above, it is respectfully submitted that the present application is now in condition for allowance. An early reconsideration and notice of allowance are earnestly solicited.

Date:

22 July 03

Respectfully submitted,


George W. Neuner
Reg. No.: 26,964RECEIVED
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